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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,732

03/30/2005

Adrianus Johannes Stephanes Maria De Vaan

NL 020949

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03/05/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KONG, ANDREW D

ART UNIT

PAPER NUMBER

2851

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/529,732

Applicant(s)

DE VAAN, ADRIANUS JOHANNES  
STEPHANES MA

Examiner

Andrew Kong

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 4, 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Species I, Figure 5 (claims 1-5) in the reply filed on 8 Feb. 2007 is acknowledged. The traversal is on the ground(s) that the subject matter of all claims is sufficiently related and that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. This is not found persuasive because this type of argument is merely an allegation and not evidence. Applicant has not shown how they are related and how the search for one would encompass a search for the others. The requirement is still deemed proper and is therefore made FINAL.

Claims 6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8 Feb. 2007.

Claim 4 is also withdrawn from further consideration since it is directed to species 2 (figure 6). For example, figure 6 shows a filtering element 41 before the light path of scanners (6,8a,8b,8c,9) however figure 5 shows a filtering element 31 after the projection lens.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

Claim 3 states, "... said filtering element is arranged behind said projecting lens."

However according to figure 5, it seems that filtering element 31 is after the projection

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lens. The structural location of the filtering element is very vague and therefore confusing.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moench et al. (US 6,631,996) in view of Sakata et al. (US 2003/0011751).

Regarding claim 1, Moench teaches a scrolling colour projection system comprising a lamp (12) with a pulsed drive current (16) and light beam being arranged to illuminate a display device (see column 2; lines 48-63) to produce a projection of an image generated by the display device, wherein a filtering element is arranged in the light path between the lamp and the projected image, the transmission of said filtering element being synchronized (18) with the lamp.

Moench does not teach a colour scanner for generating a light beam with a plurality of scrolling colour fields.

Sakata teaches a colour scanner for generating a light beam with a plurality of scrolling colour fields. See fig 1; elements 16 and 17.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Moench to include a plurality of scrolling

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colour scanners such as taught by Sakata for the purpose of having an advantage in that different resonant frequencies for the horizontal direction and the vertical direction can be easily designed and for the improved scanning accuracy.

Re claim 2, "... including a synchronization unit" See Moench element 18.

Re claim 3, "... including a projecting lens for projecting said image, wherein said filtering element is arranged behind said projecting lens" See Sakata figure 1, element 6.

Re claim 5, "... said filtering element is a liquid crystal cell". See Moench column 1; lines 49-55.

### ***Conclusion***

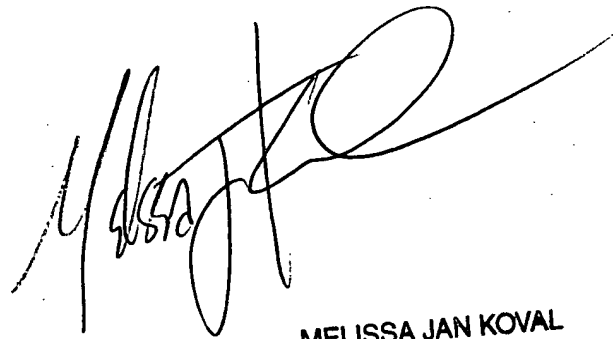
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kong whose telephone number is 571-272-8062. The examiner can normally be reached on Mon - Fri (8am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

A handwritten signature in black ink, appearing to read 'Melissa Jan Koval', is written over a large, stylized circular mark.

MELISSA JAN KOVAL  
PRIMARY EXAMINER